

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)

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THIS DOCUMENT RELATES TO:

**THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA
INVESTMENT AND DEVELOPMENT CORP., ET AL.
03 CV 9849 (RCC); 03 CV 5738 (RCC)**

**KATHLEEN ASHTON, ET AL. VS. AL QAEDA ISLAMIC
ARMY, ET AL.
02 CV 6977 (RCC)**

**DECLARATION IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN
SUPPORT OF THEIR PRIMA FACIE SHOWING OF PERSONAL JURISDICTION
AND IN OPPOSITION TO DEFENDANTS' CHALLENGES TO PERSONAL
JURISDICTION**

May 14, 2004

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**KATHLEEN ASHTON, ET AL. VS. AL QAEDA ISLAMIC
ARMY, ET AL.
02 CV 6977 (RCC)**

**DECLARATION OF JODI WESTBROOK FLOWERS IN SUPPORT OF PLAINTIFFS'
MEMORANDUM OF LAW IN SUPPORT OF THEIR *PRIMA FACIE* SHOWING OF PERSONAL
JURISDICTION AND IN OPPOSITION TO DEFENDANTS' CHALLENGES TO PERSONAL
JURISDICTION**

JODI WESTBROOK FLOWERS declares under penalty of perjury:

1. I am attorney admitted to practice *pro hac vice* before this Court and am a member of MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which plaintiffs rely in their Memorandum of Law in Support of Their *Prima Facie* Showing of Personal Jurisdiction and in Opposition to Defendants' Challenges to Personal Jurisdiction.

2. Exhibit 1 consists of true and accurate copies of excerpted allegations from the Third Amended Complaint filed November 22, 2002, in *Burnett, et al. v. Al Baraka Investment and Development Corp., et al.*, Civil Action No. 03 CV 9849.

3. Exhibit 2 is a true and accurate electronic version of the original Affidavit of Evan Kohlmann, in support of Exhibits three (3) and nine (9) hereto.

4. Exhibit 3 is a true and accurate copy of a Report prepared by Evan Kohlmann, entitled *Al-Qaida Openly Targeted the United States*, dated May 10, 2003.

5. Exhibit 4 is a true and accurate copy of a document seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented as evidence by the United States government in a criminal prosecution involving al Qaeda, bates numbers B05000001, B05000002, and B05000003, and referred to as the "golden chain." The golden chain list was presented by the United States government as an exhibit in the Department of Justice's Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements in the case of *USA v. Arnaout*, Case No. 02-CR-892 (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003. The list was also included in the Indictment of Defendant Enaam Arnaout on October 9, 2002. The golden chain document was found in a computer file labeled "Tareekh Osama," or "Osama History." The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Exhibit 4.

6. Exhibit 5 is a true and accurate copy of a document presented as an exhibit to Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers B05000022 - B05000027. The document was also seized by the Bosnian police during

searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented evidence by the U.S. government in a criminal prosecution of involving al Qaeda. The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Exhibit 5.

7. Exhibit 6 is a true and accurate copy of a document dated January 4, 2002, received by counsel for the *Burnett* Plaintiffs from the government of Switzerland.

8. Exhibit 7 is a true and accurate copy of a document dated November 29, 2001, along with a cover transmittal letter dated May 7, 2004, received by counsel for the *Burnett* Plaintiffs from the government of Switzerland.

9. Exhibit 8 is a true and accurate copy of a document received by counsel for the *Burnett* Plaintiffs from the Federal Republic of Germany. The original document was produced in English and is not a translation.

10. Exhibit 9 is a true and accurate copy of the Testimony of Matt Epstein and Evan Kohlmann before the House Committee on Financial Services Subcommittee on Oversight and Investigations, entitled *Arabian Gulf Financial Sponsorship of Al-Qaida via U.S.-Based Banks, Corporations and Charities*, dated 3/11/03.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 14, 2004.



JODI WESTBROOK FLOWERS